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FILED
SEP 26 1963
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

No. 499

MARITIME FOOD CORPORATION,
Petitioner

against

TURNER & BLANCHARD, INC.,

and

SS EMILIA and A. H. BULL STEAMSHIP CO.,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

DAVID I. GILCHRIST
Attorney for Petitioner
MARITIME FOOD CORPORATION
Office & P. O. Address
26 Broadway
New York, N. Y. 10004

IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

No. 463

LYDON WEBBER, *et al.*, *Petitioners;*

against

TURNER & BLANCHARD, INC.,

and

SS EMILIA and A. H. BULL STEAMSHIP CO.
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Petitioner, Maritime Food Corporation, is one of the intervening libelants in the District Court proceedings and an appellant on the appeal below. Its libel seeks the enforcement of its maritime lien in the sum of $29,058.38 against the vessel Emilia and her proceeds in the hands of the Court, for necessary supplies furnished to the

vessel, all pursuant to Title 46, United States Code Annotated, §§971, et seq.

Maritime Food Corporation is a party aggrieved by the order of the District Court and the decision and mandate of the Court of Appeals for the Second Circuit affirming said order, since the order entirely wipes out the fund for the exclusive benefit of one category of claimants, the cargo owners, to the exclusion of all other categories of lienors against the fund from any participation in the fund. It is submitted this is a novel result at utter odds with well settled admiralty law and the statutory scheme of relative priorities among lienor claimants sanctioned by Congressional adoption.

Accordingly, petitioner, Maritime Food Corporation, prays to join in the petition for a writ of certiorari of Lydon Webber, et al., and urges the granting of such writ for all of the reasons set forth in the brief of Lydon Webber, et al.

Respectfully submitted,

David I. Gilchrist
Attorney for Petitioner
Maritime Food Corporation
Office & P. O. Address
26 Broadway
New York, N. Y. 10004

Dated: September 18, 1963

In the Supreme Court of the United States

OCTOBER TERM, 1963

No. 499

MARITIME FOOD CORPORATION, PETITIONER

v.

TURNER & BLANCHARD, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES AND THE UNITED STATES MARSHAL IN OPPOSITION

This petition seeks review of the same decision of the Second Circuit which is the subject of the petition in *Lydon Webber et al. v. Turner & Blanchard, Inc.*, No. 463, this Term. For the reasons stated in the government's brief in opposition to that petition (a copy of which is being served upon this petitioner), the instant petition for a writ of certiorari should also be denied.

ARCHIBALD COX,
Solicitor General.

OCTOBER 1963.

708-896—63